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October 7, 2002

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S. BARTOW STRANG
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1879-1961

JOHN S. CARRIGER
1902-1989

JOHN S. FLETCHER, JR.
1911-1974

ALBERT L. HODGE
1910-1997

F. THORNTON STRANG
1920-1999

* ALSO LICENSED IN GEORGIA
* ALSO LICENSED IN ALABAMA

VIA FEDERAL EXPRESS

The Honorable Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Attention: Docket Room

Re: Complaint of US LEC of Tennessee, Inc.
Docket No. 02-00562

Dear Chairman Kyle:

We have enclosed for filing an original and 13 copies of the Response of the Electric Power Board of Chattanooga to US LEC's Motion to Compel. We have also enclosed an extra copy of this pleading and ask that you return a stamped copy to us in the enclosed self-addressed, stamped envelope.

Thank you.

Sincerely,



Mark W. Smith
For the Firm

MWS/gb

Enclosures

cc: Henry Walker, Esq. (w/enc.)
Guy M. Hicks, Esq. (w/enc.)

EPB/TEL-USL - #35

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OCT 08 2002

SARA KYLE, COMMISSIONER
TN PUBLIC SERVICE COMM.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

RE: COMPLAINT OF US LEC OF
TENNESSEE, INC. AGAINST
ELECTRIC POWER BOARD OF
CHATTANOOGA

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:
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Docket No. 02-562

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RESPONSE OF ELECTRIC POWER BOARD OF CHATTANOOGA TO MOTION TO
COMPEL OF US LEC OF TENNESSEE, INC.

The Electric Power Board of Chattanooga ("EPB"), by and through counsel, and for its response to the Motion to Compel of US LEC of Tennessee, Inc. ("US LEC"), states that the Motion to Compel should be denied for the following reasons:

Response of EPB to US LEC Reason to Compel Response to Request No. 1: Request No. 1 seeks "all documents, (specifically including but not limited to any business plans, cost analysis, and/or market analysis) concerning EPB's decision to enter the telecommunications business, and to form EPB Telecommunications." US LEC has not shown that this Request is designed to lead to relevant or admissible evidence, and its request is overly broad and unduly burdensome in that it seeks any number of documents pre-dating EPB's filing of its application for a certificate of convenience and necessity. Subject to and without waiver of EPB's objection, EPB will make available for inspection and copying such business plans and marketing plans as EPB can locate that are responsive to this Request.

Response of EPB to US LEC Reason to Compel Response to US LEC Request No. 3: Contrary to US LEC's assertion, EPB's Response is not incomplete, and EPB asserts that the very purpose of the Second Revised Proposed Conditions was to define the relationship between EPB Telecommunications and EPB. These Second Revised Proposed Conditions speak to assignment and allocation of costs, transactions with affiliates, balance sheet accounting, and

accounting for revenues and expenses; and EPB respectfully submits that by its response to US LEC's Request No. 3, together with the EPB Internal Audits, US LEC has received the requested information.

Response of EPB to US LEC Reason to Compel Response to US LEC Request No. 17:

US LEC apparently misreads EPB's response to this Request. US LEC Request No. 17 was broadly drawn to include not only "building entrance facilities," but also "the right to use [EPB's] poles," and EPB was responding to this latter part of US LEC's Request. EPB has indicated that it will make available for inspection and copying its pole attachment and other facilities use agreements with competitive local exchange carriers. EPB's Response to US LEC Request No. 17 is, therefore, appropriate.

Response of EPB to US LEC Reason to Compel Response to US LEC Request No. 19:

Without waiver of EPB's objection, EPB submits that MetroNet, Inc. is a separate Tennessee non-profit corporation that intends to provide broadband Internet connectivity pursuant to a business plan filed with the State Director of Local Finance pursuant to T.C.A. §7-52-103(c) and T.C.A. §7-52-601. EPB respectfully submits that MetroNet's anticipated Internet operations have no bearing on the issues that US LEC has raised in its Complaint.

Response of EPB to US LEC Reason to Compel Response to US LEC Request No. 21:

EPB respectfully submits that US LEC Request No. 21 only inquired as to whether "EPB [has] allowed EPB Telecommunications to run telecommunications lines into the buildings of EPB's existing customers" EPB's response was complete with the answer "No." EPB offered additional information that the dealings between the building owners and EPB Telecommunications were direct. US LEC's Request No. 21 was limited to arrangements

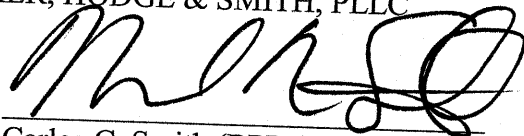
between EPB and EPB Telecommunications for access to buildings without the owners' consent and does not ask for arrangements between the owner and EPB Telecommunications.

Wherefore, EPB respectfully urges your Honor to deny US LEC's Motion to Compel in its entirety.

Respectfully Submitted,

STRANG, FLETCHER, CARRIGER,
WALKER, HODGE & SMITH, PLLC

By:



Carlos C. Smith (BPR #1710)

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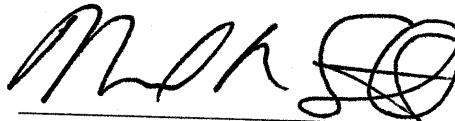
CERTIFICATE OF SERVICE

I certify that a true and exact copy of this pleading has been served upon the following attorneys by delivering a true and exact copy thereof to the offices of said counsel or by placing a true and exact copy of said pleading in the United States mail addressed to said counsel at his office with sufficient postage thereupon to carry the same to its destination:

Henry Walker
Boult, Cummings, Conners & Berry, PLC
414 Union Street, Suite 1600
P.O. Box 198062
Nashville, Tennessee 37219

Guy M. Hicks
BellSouth Telecommunications, Inc.
333 Commerce Street
Suite 2101
Nashville, Tennessee 37201

This 7th day of October, 2002.



For: Strang, Fletcher, Carriger, Walker,
Hodge & Smith, PLLC